

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 121
HOUSE BILL 2226

AN ACT

AMENDING TITLE 41, CHAPTER 2.1, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2; RELATING TO THE COMPACT REGARDING A BALANCED BUDGET AMENDMENT UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 2.1, Arizona Revised Statutes, is
3 amended by adding article 2, to read:

4 ARTICLE 2. COMPACT FOR A BALANCED BUDGET

5 41-451. Adoption of compact; text of compact

6 THE COMPACT FOR A BALANCED BUDGET IS ENACTED INTO LAW AS FOLLOWS:

7 COMPACT FOR A BALANCED BUDGET

8 THE STATE OF ARIZONA ENACTS, ADOPTS AND AGREES TO BE BOUND BY THE
9 FOLLOWING COMPACT:

10 ARTICLE I

11 DECLARATION OF POLICY, PURPOSE AND INTENT

12 WHEREAS, EVERY STATE ENACTING, ADOPTING AND AGREEING TO BE BOUND BY
13 THIS COMPACT INTENDS TO ENSURE THAT THEIR RESPECTIVE LEGISLATURE'S USE OF
14 THE POWER TO ORIGINATE A BALANCED BUDGET AMENDMENT UNDER ARTICLE V OF THE
15 CONSTITUTION OF THE UNITED STATES WILL BE EXERCISED CONVENIENTLY AND WITH
16 REASONABLE CERTAINTY AS TO THE CONSEQUENCES THEREOF.

17 NOW, THEREFORE, IN CONSIDERATION OF THEIR EXPRESSED MUTUAL PROMISES
18 AND OBLIGATIONS, BE IT ENACTED BY EVERY STATE ENACTING, ADOPTING AND
19 AGREEING TO BE BOUND BY THIS COMPACT, AND RESOLVED BY EACH OF THEIR
20 RESPECTIVE LEGISLATURES, AS THE CASE MAY BE, TO EXERCISE HERewith ALL OF
21 THEIR RESPECTIVE POWERS AS SET FORTH HEREIN NOTWITHSTANDING ANY LAW TO THE
22 CONTRARY.

23 ARTICLE II

24 DEFINITIONS

25 SECTION 1. "COMPACT" MEANS THIS "COMPACT FOR A BALANCED BUDGET."

26 SECTION 2. "CONVENTION" MEANS THE CONVENTION FOR PROPOSING
27 AMENDMENTS ORGANIZED BY THIS COMPACT UNDER ARTICLE V OF THE CONSTITUTION
28 OF THE UNITED STATES AND, WHERE CONTEXTUALLY APPROPRIATE TO ENSURE THE
29 TERMS OF THIS COMPACT ARE NOT EVADED, ANY OTHER SIMILAR GATHERING OR BODY,
30 WHICH MIGHT BE ORGANIZED AS A CONSEQUENCE OF CONGRESS RECEIVING THE
31 APPLICATION SET OUT IN THIS COMPACT AND CLAIM AUTHORITY TO PROPOSE OR
32 EFFECTUATE ANY AMENDMENT, ALTERATION OR REVISION TO THE CONSTITUTION OF
33 THE UNITED STATES. THIS TERM DOES NOT ENCOMPASS A CONVENTION FOR
34 PROPOSING AMENDMENTS UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED
35 STATES THAT IS ORGANIZED INDEPENDENTLY OF THIS COMPACT BASED ON THE
36 SEPARATE AND DISTINCT APPLICATION OF ANY STATE.

37 SECTION 3. "STATE" MEANS ONE OF THE SEVERAL STATES OF THE UNITED
38 STATES. WHERE CONTEXTUALLY APPROPRIATE, THE TERM "STATE" SHALL BE
39 CONSTRUED TO INCLUDE ALL OF ITS BRANCHES, DEPARTMENTS, AGENCIES, POLITICAL
40 SUBDIVISIONS, AND OFFICERS AND REPRESENTATIVES ACTING IN THEIR OFFICIAL
41 CAPACITY.

42 SECTION 4. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED, ADOPTED
43 AND AGREED TO BE BOUND TO THIS COMPACT. FOR ANY STATE TO QUALIFY AS A
44 MEMBER STATE WITH RESPECT TO ANY OTHER STATE UNDER THIS COMPACT, EACH SUCH

1 STATE MUST HAVE ENACTED, ADOPTED AND AGREED TO BE BOUND BY SUBSTANTIVELY
2 IDENTICAL COMPACT LEGISLATION.

3 SECTION 5. "COMPACT NOTICE RECIPIENTS" MEANS THE ARCHIVIST OF THE
4 UNITED STATES, THE PRESIDENT OF THE UNITED STATES, THE PRESIDENT OF THE
5 UNITED STATES SENATE, THE OFFICE OF THE SECRETARY OF THE UNITED STATES
6 SENATE, THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE
7 OFFICE OF THE CLERK OF THE UNITED STATES HOUSE OF REPRESENTATIVES, THE
8 CHIEF EXECUTIVE OFFICER OF EACH STATE, AND THE PRESIDING OFFICER(S) OF
9 EACH HOUSE OF THE LEGISLATURES OF THE SEVERAL STATES.

10 SECTION 6. NOTICE. ALL NOTICES REQUIRED BY THIS COMPACT SHALL BE
11 BY U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR AN EQUIVALENT OR
12 SUPERIOR FORM OF NOTICE, SUCH AS PERSONAL DELIVERY DOCUMENTED BY EVIDENCE
13 OF ACTUAL RECEIPT.

14 SECTION 7. "BALANCED BUDGET AMENDMENT" MEANS THE FOLLOWING:

15 "ARTICLE ____

16 SECTION 1. TOTAL OUTLAYS OF THE GOVERNMENT OF THE UNITED STATES
17 SHALL NOT EXCEED TOTAL RECEIPTS OF THE GOVERNMENT OF THE UNITED STATES AT
18 ANY POINT IN TIME UNLESS THE EXCESS OF OUTLAYS OVER RECEIPTS IS FINANCED
19 EXCLUSIVELY BY DEBT ISSUED IN STRICT CONFORMITY WITH THIS ARTICLE.

20 SECTION 2. OUTSTANDING DEBT SHALL NOT EXCEED AUTHORIZED DEBT, WHICH
21 INITIALLY SHALL BE AN AMOUNT EQUAL TO 105 PERCENT OF THE OUTSTANDING DEBT
22 ON THE EFFECTIVE DATE OF THIS ARTICLE. AUTHORIZED DEBT SHALL NOT BE
23 INCREASED ABOVE ITS AFORESAID INITIAL AMOUNT UNLESS SUCH INCREASE IS FIRST
24 APPROVED BY THE LEGISLATURES OF THE SEVERAL STATES AS PROVIDED IN SECTION
25 3.

26 SECTION 3. FROM TIME TO TIME, CONGRESS MAY INCREASE AUTHORIZED DEBT
27 TO AN AMOUNT IN EXCESS OF ITS INITIAL AMOUNT SET BY SECTION 2 ONLY IF IT
28 FIRST PUBLICLY REFERS TO THE LEGISLATURES OF THE SEVERAL STATES AN
29 UNCONDITIONAL, SINGLE SUBJECT MEASURE PROPOSING THE AMOUNT OF SUCH
30 INCREASE, IN SUCH FORM AS PROVIDED BY LAW, AND THE MEASURE IS THEREAFTER
31 PUBLICLY AND UNCONDITIONALLY APPROVED BY A SIMPLE MAJORITY OF THE
32 LEGISLATURES OF THE SEVERAL STATES, IN SUCH FORM AS PROVIDED RESPECTIVELY
33 BY STATE LAW; PROVIDED THAT NO INDUCEMENT REQUIRING AN EXPENDITURE OR TAX
34 LEVY SHALL BE DEMANDED, OFFERED OR ACCEPTED AS A QUID PRO QUO FOR SUCH
35 APPROVAL. IF SUCH APPROVAL IS NOT OBTAINED WITHIN SIXTY (60) CALENDAR
36 DAYS AFTER REFERRAL THEN THE MEASURE SHALL BE DEEMED DISAPPROVED AND THE
37 AUTHORIZED DEBT SHALL THEREBY REMAIN UNCHANGED.

38 SECTION 4. WHENEVER THE OUTSTANDING DEBT EXCEEDS 98 PERCENT OF THE
39 DEBT LIMIT SET BY SECTION 2, THE PRESIDENT SHALL ENFORCE SAID LIMIT BY
40 PUBLICLY DESIGNATING SPECIFIC EXPENDITURES FOR IMPOUNDMENT IN AN AMOUNT
41 SUFFICIENT TO ENSURE OUTSTANDING DEBT SHALL NOT EXCEED THE AUTHORIZED
42 DEBT. SAID IMPOUNDMENT SHALL BECOME EFFECTIVE THIRTY (30) DAYS
43 THEREAFTER, UNLESS CONGRESS FIRST DESIGNATES AN ALTERNATE IMPOUNDMENT OF
44 THE SAME OR GREATER AMOUNT BY CONCURRENT RESOLUTION, WHICH SHALL BECOME
45 IMMEDIATELY EFFECTIVE. THE FAILURE OF THE PRESIDENT TO DESIGNATE OR

1 ENFORCE THE REQUIRED IMPOUNDMENT IS AN IMPEACHABLE MISDEMEANOR. ANY
2 PURPORTED ISSUANCE OR INCURRENCE OF ANY DEBT IN EXCESS OF THE DEBT LIMIT
3 SET BY SECTION 2 IS VOID.

4 SECTION 5. NO BILL THAT PROVIDES FOR A NEW OR INCREASED GENERAL
5 REVENUE TAX SHALL BECOME LAW UNLESS APPROVED BY A TWO-THIRDS ROLL CALL
6 VOTE OF THE WHOLE NUMBER OF EACH HOUSE OF CONGRESS. HOWEVER, THIS
7 REQUIREMENT SHALL NOT APPLY TO ANY BILL THAT PROVIDES FOR A NEW END USER
8 SALES TAX WHICH WOULD COMPLETELY REPLACE EVERY EXISTING INCOME TAX LEVIED
9 BY THE GOVERNMENT OF THE UNITED STATES; OR FOR THE REDUCTION OR
10 ELIMINATION OF AN EXEMPTION, DEDUCTION, OR CREDIT ALLOWED UNDER AN
11 EXISTING GENERAL REVENUE TAX.

12 SECTION 6. FOR PURPOSES OF THIS ARTICLE, "DEBT" MEANS ANY
13 OBLIGATION BACKED BY THE FULL FAITH AND CREDIT OF THE GOVERNMENT OF THE
14 UNITED STATES; "OUTSTANDING DEBT" MEANS ALL DEBT HELD IN ANY ACCOUNT AND
15 BY ANY ENTITY AT A GIVEN POINT IN TIME; "AUTHORIZED DEBT" MEANS THE
16 MAXIMUM TOTAL AMOUNT OF DEBT THAT MAY BE LAWFULLY ISSUED AND OUTSTANDING
17 AT ANY SINGLE POINT IN TIME UNDER THIS ARTICLE; "TOTAL OUTLAYS OF THE
18 GOVERNMENT OF THE UNITED STATES" MEANS ALL EXPENDITURES OF THE GOVERNMENT
19 OF THE UNITED STATES FROM ANY SOURCE; "TOTAL RECEIPTS OF THE GOVERNMENT OF
20 THE UNITED STATES" MEANS ALL TAX RECEIPTS AND OTHER INCOME OF THE
21 GOVERNMENT OF THE UNITED STATES, EXCLUDING PROCEEDS FROM ITS ISSUANCE OR
22 INCURRENCE OF DEBT OR ANY TYPE OF LIABILITY; "IMPOUNDMENT" MEANS A
23 PROPOSAL NOT TO SPEND ALL OR PART OF A SUM OF MONEY APPROPRIATED BY
24 CONGRESS; AND "GENERAL REVENUE TAX" MEANS ANY INCOME TAX, SALES TAX, OR
25 VALUE-ADDED TAX LEVIED BY THE GOVERNMENT OF THE UNITED STATES EXCLUDING
26 IMPOSTS AND DUTIES.

27 SECTION 7. THIS ARTICLE IS IMMEDIATELY OPERATIVE UPON RATIFICATION,
28 SELF-ENFORCING, AND CONGRESS MAY ENACT CONFORMING LEGISLATION TO
29 FACILITATE ENFORCEMENT."

30 ARTICLE III

31 COMPACT MEMBERSHIP AND WITHDRAWAL

32 SECTION 1. THIS COMPACT GOVERNS EACH MEMBER STATE TO THE FULLEST
33 EXTENT PERMITTED BY THEIR RESPECTIVE CONSTITUTIONS, SUPERSEDING AND
34 REPEALING ANY CONFLICTING OR CONTRARY LAW.

35 SECTION 2. BY BECOMING A MEMBER STATE, EACH SUCH STATE OFFERS,
36 PROMISES AND AGREES TO PERFORM AND COMPLY STRICTLY IN ACCORDANCE WITH THE
37 TERMS AND CONDITIONS OF THIS COMPACT, AND HAS MADE SUCH OFFER, PROMISE AND
38 AGREEMENT IN ANTICIPATION AND CONSIDERATION OF, AND IN SUBSTANTIAL
39 RELIANCE UPON, SUCH MUTUAL AND RECIPROCAL PERFORMANCE AND COMPLIANCE BY
40 EACH OTHER CURRENT AND FUTURE MEMBER STATE, IF ANY. ACCORDINGLY, IN
41 ADDITION TO HAVING THE FORCE OF LAW IN EACH MEMBER STATE UPON ITS
42 RESPECTIVE EFFECTIVE DATE, THIS COMPACT AND EACH OF ITS ARTICLES SHALL
43 ALSO BE CONSTRUED AS CONTRACTUALLY BINDING EACH MEMBER STATE WHEN:

1 (a) AT LEAST ONE OTHER STATE HAS LIKEWISE BECOME A MEMBER STATE BY
2 ENACTING SUBSTANTIVELY IDENTICAL LEGISLATION ADOPTING AND AGREEING TO BE
3 BOUND BY THIS COMPACT; AND

4 (b) NOTICE OF SUCH STATE'S MEMBER STATE STATUS IS OR HAS BEEN
5 SEASONABLY RECEIVED BY THE COMPACT ADMINISTRATOR, IF ANY, OR OTHERWISE BY
6 THE CHIEF EXECUTIVE OFFICER OF EACH OTHER MEMBER STATE.

7 SECTION 3. FOR PURPOSES OF DETERMINING MEMBER STATE STATUS UNDER
8 THIS COMPACT, AS LONG AS ALL OTHER PROVISIONS OF THE COMPACT REMAIN
9 IDENTICAL AND OPERATIVE ON THE SAME TERMS, LEGISLATION ENACTING, ADOPTING
10 AND AGREEING TO BE BOUND BY THIS COMPACT SHALL BE DEEMED AND REGARDED AS
11 "SUBSTANTIVELY IDENTICAL" WITH RESPECT TO SUCH OTHER LEGISLATION ENACTED
12 BY ANOTHER STATE NOTWITHSTANDING:

13 (a) ANY DIFFERENCE IN SECTION 2 OF ARTICLE IV WITH SPECIFIC REGARD
14 TO THE RESPECTIVELY ENACTING STATE'S OWN METHOD OF APPOINTING ITS MEMBER
15 TO THE COMMISSION;

16 (b) ANY DIFFERENCE IN SECTION 5 OF ARTICLE IV WITH SPECIFIC REGARD
17 TO THE RESPECTIVELY ENACTING STATE'S OWN OBLIGATION TO FUND THE
18 COMMISSION;

19 (c) ANY DIFFERENCE IN SECTIONS 1 AND 2 OF ARTICLE VI WITH SPECIFIC
20 REGARD TO THE NUMBER AND IDENTITY OF EACH DELEGATE RESPECTIVELY APPOINTED
21 ON BEHALF OF THE ENACTING STATE, PROVIDED THAT NO MORE THAN THREE
22 DELEGATES MAY ATTEND AND PARTICIPATE IN THE CONVENTION ON BEHALF OF ANY
23 STATE; OR

24 (d) ANY DIFFERENCE IN SECTION 7 OF ARTICLE X WITH SPECIFIC REGARD
25 TO THE RESPECTIVELY ENACTING STATE AS TO WHETHER SECTION 1 OF ARTICLE V OF
26 THIS COMPACT SHALL SURVIVE TERMINATION OF THE COMPACT, AND THEREAFTER
27 BECOME A CONTINUING RESOLUTION OF THE LEGISLATURE OF SUCH STATE APPLYING
28 TO CONGRESS FOR THE CALLING OF A CONVENTION OF THE STATES UNDER ARTICLE V
29 OF THE CONSTITUTION OF THE UNITED STATES, UNDER SUCH TERMS AND LIMITATIONS
30 AS MAY BE SPECIFIED BY SUCH STATE.

31 SECTION 4. WHEN FEWER THAN THREE-FOURTHS OF THE STATES ARE MEMBER
32 STATES, ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING
33 APPROPRIATE LEGISLATION, AS DETERMINED BY STATE LAW, AND GIVING NOTICE OF
34 SUCH WITHDRAWAL TO THE COMPACT ADMINISTRATOR, IF ANY, OR OTHERWISE TO THE
35 CHIEF EXECUTIVE OFFICER OF EACH OTHER MEMBER STATE. A WITHDRAWAL SHALL
36 NOT AFFECT THE VALIDITY OR APPLICABILITY OF THE COMPACT WITH RESPECT TO
37 REMAINING MEMBER STATES, PROVIDED THAT THERE REMAIN AT LEAST TWO SUCH
38 STATES. HOWEVER, ONCE AT LEAST THREE-FOURTHS OF THE STATES ARE MEMBER
39 STATES, THEN NO MEMBER STATE MAY WITHDRAW FROM THE COMPACT PRIOR TO ITS
40 TERMINATION ABSENT UNANIMOUS CONSENT OF ALL MEMBER STATES.

41 ARTICLE IV

42 COMPACT COMMISSION AND COMPACT ADMINISTRATOR

43 SECTION 1. NATURE OF THE COMPACT COMMISSION. THE COMPACT
44 COMMISSION ("COMMISSION") IS HEREBY ESTABLISHED. IT HAS THE POWER AND
45 DUTY:

1 (a) TO APPOINT AND OVERSEE A COMPACT ADMINISTRATOR;
2 (b) TO ENCOURAGE STATES TO JOIN THE COMPACT AND CONGRESS TO CALL
3 THE CONVENTION IN ACCORDANCE WITH THIS COMPACT;
4 (c) TO COORDINATE THE PERFORMANCE OF OBLIGATIONS UNDER THE COMPACT;
5 (d) TO OVERSEE THE CONVENTION'S LOGISTICAL OPERATIONS AS
6 APPROPRIATE TO ENSURE THIS COMPACT GOVERNS ITS PROCEEDINGS;
7 (e) TO OVERSEE THE DEFENSE AND ENFORCEMENT OF THE COMPACT IN
8 APPROPRIATE LEGAL VENUES;
9 (f) TO REQUEST FUNDS AND TO DISBURSE THOSE FUNDS TO SUPPORT THE
10 OPERATIONS OF THE COMMISSION, COMPACT ADMINISTRATOR, AND CONVENTION; AND
11 (g) TO COOPERATE WITH ANY ENTITY THAT SHARES A COMMON INTEREST WITH
12 THE COMMISSION AND ENGAGES IN POLICY RESEARCH, PUBLIC INTEREST LITIGATION
13 OR LOBBYING IN SUPPORT OF THE PURPOSES OF THE COMPACT.
14 THE COMMISSION SHALL ONLY HAVE SUCH IMPLIED POWERS AS ARE ESSENTIAL TO
15 CARRYING OUT THESE EXPRESS POWERS AND DUTIES. IT SHALL TAKE NO ACTION
16 THAT CONTRAVENES OR IS INCONSISTENT WITH THIS COMPACT OR ANY LAW OF ANY
17 STATE THAT IS NOT SUPERSEDED BY THIS COMPACT. IT MAY ADOPT AND PUBLISH
18 CORRESPONDING BYLAWS AND POLICIES.
19 SECTION 2. COMMISSION MEMBERSHIP. THE COMMISSION INITIALLY
20 CONSISTS OF THREE UNPAID MEMBERS. EACH MEMBER STATE MAY APPOINT ONE
21 MEMBER TO THE COMMISSION THROUGH AN APPOINTMENT PROCESS TO BE DETERMINED
22 BY THEIR RESPECTIVE CHIEF EXECUTIVE OFFICER UNTIL ALL POSITIONS ON THE
23 COMMISSION ARE FILLED. POSITIONS SHALL BE ASSIGNED TO APPOINTEES IN THE
24 ORDER IN WHICH THEIR RESPECTIVE APPOINTING STATES BECAME MEMBER STATES.
25 THE BYLAWS OF THE COMMISSION MAY EXPAND ITS MEMBERSHIP TO INCLUDE
26 REPRESENTATIVES OF ADDITIONAL MEMBER STATES AND TO ALLOW FOR MODEST
27 SALARIES AND REIMBURSEMENT OF EXPENSES IF ADEQUATE FUNDING EXISTS.
28 SECTION 3. COMMISSION ACTION. EACH COMMISSION MEMBER IS ENTITLED
29 TO ONE VOTE. THE COMMISSION SHALL NOT ACT UNLESS A MAJORITY OF ITS
30 APPOINTED MEMBERSHIP IS PRESENT, AND NO ACTION SHALL BE BINDING UNLESS
31 APPROVED BY A MAJORITY OF THE COMMISSION'S APPOINTED MEMBERSHIP. THE
32 COMMISSION SHALL MEET AT LEAST ONCE A YEAR, AND MAY MEET MORE FREQUENTLY.
33 SECTION 4. FIRST ORDER OF BUSINESS. THE COMMISSION SHALL AT THE
34 EARLIEST POSSIBLE TIME ELECT FROM AMONG ITS MEMBERSHIP A CHAIRPERSON,
35 DETERMINE A PRIMARY PLACE OF DOING BUSINESS, AND APPOINT A COMPACT
36 ADMINISTRATOR.
37 SECTION 5. FUNDING. THE COMMISSION AND THE COMPACT ADMINISTRATOR'S
38 ACTIVITIES SHALL BE FUNDED EXCLUSIVELY BY EACH MEMBER STATE, AS DETERMINED
39 BY THEIR RESPECTIVE STATE LAW, OR BY VOLUNTARY DONATIONS.
40 SECTION 6. COMPACT ADMINISTRATOR. THE COMPACT ADMINISTRATOR HAS
41 THE POWER AND DUTY:
42 (a) TO TIMELY NOTIFY THE STATES OF THE DATE, TIME AND LOCATION OF
43 THE CONVENTION;
44 (b) TO ORGANIZE AND DIRECT THE LOGISTICAL OPERATIONS OF THE
45 CONVENTION;

1 (c) TO MAINTAIN AN ACCURATE LIST OF ALL MEMBER STATES, THEIR
2 APPOINTED DELEGATES, INCLUDING CONTACT INFORMATION; AND

3 (d) TO FORMULATE, TRANSMIT, AND MAINTAIN ALL OFFICIAL NOTICES,
4 RECORDS, AND COMMUNICATIONS RELATING TO THIS COMPACT.

5 THE COMPACT ADMINISTRATOR SHALL ONLY HAVE SUCH IMPLIED POWERS AS ARE
6 ESSENTIAL TO CARRYING OUT THESE EXPRESS POWERS AND DUTIES; AND SHALL TAKE
7 NO ACTION THAT CONTRAVENES OR IS INCONSISTENT WITH THIS COMPACT OR ANY LAW
8 OF ANY STATE THAT IS NOT SUPERSEDED BY THIS COMPACT. THE COMPACT
9 ADMINISTRATOR SERVES AT THE PLEASURE OF THE COMMISSION AND MUST KEEP THE
10 COMMISSION SEASONABLY APPRISED OF THE PERFORMANCE OR NONPERFORMANCE OF THE
11 TERMS AND CONDITIONS OF THIS COMPACT. ANY NOTICE SENT BY A MEMBER STATE
12 TO THE COMPACT ADMINISTRATOR CONCERNING THIS COMPACT SHALL BE ADEQUATE
13 NOTICE TO EACH OTHER MEMBER STATE PROVIDED THAT A COPY OF SAID NOTICE IS
14 SEASONABLY DELIVERED BY THE COMPACT ADMINISTRATOR TO EACH OTHER MEMBER
15 STATE'S RESPECTIVE CHIEF EXECUTIVE OFFICER.

16 SECTION 7. NOTICE OF KEY EVENTS. UPON THE OCCURRENCE OF EACH OF
17 THE FOLLOWING DESCRIBED EVENTS, OR OTHERWISE AS SOON AS POSSIBLE, THE
18 COMPACT ADMINISTRATOR SHALL IMMEDIATELY SEND THE FOLLOWING NOTICES TO ALL
19 COMPACT NOTICE RECIPIENTS, TOGETHER WITH CERTIFIED CONFORMING COPIES OF
20 THE CHARTERED VERSION OF THIS COMPACT AS MAINTAINED IN THE STATUTES OF
21 EACH MEMBER STATE:

22 (a) WHENEVER ANY STATE BECOMES A MEMBER STATE, NOTICE OF THAT FACT
23 SHALL BE GIVEN;

24 (b) ONCE AT LEAST THREE-FOURTHS OF THE STATES ARE MEMBER STATES,
25 NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH A STATEMENT DECLARING
26 THAT THE LEGISLATURES OF AT LEAST TWO-THIRDS OF THE SEVERAL STATES HAVE
27 APPLIED FOR A CONVENTION FOR PROPOSING AMENDMENTS UNDER ARTICLE V OF THE
28 CONSTITUTION OF THE UNITED STATES, PETITIONING CONGRESS TO CALL THE
29 CONVENTION CONTEMPLATED BY THIS COMPACT, AND FURTHER REQUESTING
30 COOPERATION IN ORGANIZING THE SAME IN ACCORDANCE WITH THIS COMPACT;

31 (c) ONCE CONGRESS HAS CALLED THE CONVENTION CONTEMPLATED BY THIS
32 COMPACT, AND WHENEVER THE DATE, TIME AND LOCATION OF THE CONVENTION HAS
33 BEEN DETERMINED, NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH THE
34 DATE, TIME AND LOCATION OF THE CONVENTION AND OTHER ESSENTIAL LOGISTICAL
35 MATTERS;

36 (d) UPON APPROVAL OF THE BALANCED BUDGET AMENDMENT BY THE
37 CONVENTION, NOTICE OF THAT FACT SHALL BE GIVEN TOGETHER WITH THE
38 TRANSMISSION OF CERTIFIED COPIES OF SUCH APPROVED PROPOSED AMENDMENT AND A
39 STATEMENT REQUESTING CONGRESS TO REFER THE SAME FOR RATIFICATION BY THREE-
40 FOURTHS OF THE LEGISLATURES OF THE SEVERAL STATES UNDER ARTICLE V OF THE
41 CONSTITUTION OF THE UNITED STATES (HOWEVER, IN NO EVENT SHALL ANY PROPOSED
42 AMENDMENT OTHER THAN THE BALANCED BUDGET AMENDMENT BE TRANSMITTED); AND

43 (e) WHEN ANY ARTICLE OF THIS COMPACT PROSPECTIVELY RATIFYING THE
44 BALANCED BUDGET AMENDMENT IS EFFECTIVE IN ANY MEMBER STATE, NOTICE OF THE
45 SAME SHALL BE GIVEN TOGETHER WITH A STATEMENT DECLARING SUCH RATIFICATION

1 AND FURTHER REQUESTING COOPERATION IN ENSURING THAT THE OFFICIAL RECORD
2 CONFIRMS AND REFLECTS THE EFFECTIVE CORRESPONDING AMENDMENT TO THE
3 CONSTITUTION OF THE UNITED STATES.

4 HOWEVER, WHENEVER ANY MEMBER STATE ENACTS APPROPRIATE LEGISLATION, AS
5 DETERMINED BY THE LAWS OF THE RESPECTIVE STATE, WITHDRAWING FROM THIS
6 COMPACT, THE COMPACT ADMINISTRATOR SHALL IMMEDIATELY SEND CERTIFIED
7 CONFORMING COPIES OF THE CHARTERED VERSION OF SUCH WITHDRAWAL LEGISLATION
8 AS MAINTAINED IN THE STATUTES OF EACH SUCH WITHDRAWING MEMBER STATE,
9 SOLELY TO EACH CHIEF EXECUTIVE OFFICER OF EACH REMAINING MEMBER STATE,
10 GIVING NOTICE OF SUCH WITHDRAWAL.

11 SECTION 8. COOPERATION. THE COMMISSION, MEMBER STATES AND COMPACT
12 ADMINISTRATOR SHALL COOPERATE WITH EACH OTHER AND GIVE EACH OTHER MUTUAL
13 ASSISTANCE IN ENFORCING THIS COMPACT AND SHALL GIVE THE CHIEF LAW
14 ENFORCEMENT OFFICER OF EACH OTHER MEMBER STATE ANY INFORMATION OR
15 DOCUMENTS THAT ARE REASONABLY NECESSARY TO FACILITATE THE ENFORCEMENT OF
16 THIS COMPACT.

17 SECTION 9. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL THERE ARE AT
18 LEAST TWO MEMBER STATES.

19 ARTICLE V

20 RESOLUTION APPLYING FOR CONVENTION

21 SECTION 1. BE IT RESOLVED, AS PROVIDED FOR IN ARTICLE V OF THE
22 CONSTITUTION OF THE UNITED STATES, THE LEGISLATURE OF EACH MEMBER STATE
23 HEREWITH APPLIES TO CONGRESS FOR THE CALLING OF A CONVENTION FOR PROPOSING
24 AMENDMENTS LIMITED TO THE SUBJECT MATTER OF PROPOSING FOR RATIFICATION THE
25 BALANCED BUDGET AMENDMENT.

26 SECTION 2. CONGRESS IS FURTHER PETITIONED TO REFER THE BALANCED
27 BUDGET AMENDMENT TO THE STATES FOR RATIFICATION BY THREE-FOURTHS OF THEIR
28 RESPECTIVE LEGISLATURES.

29 SECTION 3. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL AT LEAST
30 THREE-FOURTHS OF THE SEVERAL STATES ARE MEMBER STATES.

31 ARTICLE VI

32 DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

33 SECTION 1. NUMBER OF DELEGATES. THIS MEMBER STATE SHALL BE
34 ENTITLED TO THREE DELEGATES TO REPRESENT ITS SOVEREIGN INTERESTS AT THE
35 CONVENTION.

36 SECTION 2. IDENTITY. THE GOVERNOR, SPEAKER OF THE HOUSE OF
37 REPRESENTATIVES AND PRESIDENT OF THE SENATE OF THIS MEMBER STATE ON THE
38 ENACTMENT DATE OF THIS COMPACT, OR THEIR RESPECTIVE DESIGNEE, AS
39 IDENTIFIED IN A SWORN AFFIDAVIT EXECUTED BY SUCH OFFICER, ARE EACH
40 APPOINTED IN AN INDIVIDUAL CAPACITY TO REPRESENT THIS MEMBER STATE AT THE
41 CONVENTION AS ITS SOLE AND EXCLUSIVE DELEGATES. A MAJORITY VOTE OF THIS
42 DELEGATION SHALL SERVE TO DECIDE ANY ISSUE AT THE CONVENTION ON BEHALF OF
43 THIS MEMBER STATE.

44 SECTION 3. REPLACEMENT OR RECALL OF DELEGATES. A DELEGATE
45 APPOINTED HEREUNDER MAY BE REPLACED OR RECALLED BY THE LEGISLATURE OF HIS

1 OR HER RESPECTIVE STATE AT ANY TIME FOR GOOD CAUSE, SUCH AS CRIMINAL
2 MISCONDUCT OR THE VIOLATION OF THIS COMPACT. IF REPLACED OR RECALLED, ANY
3 DELEGATE PREVIOUSLY APPOINTED HEREUNDER MUST IMMEDIATELY VACATE THE
4 CONVENTION AND RETURN TO THEIR RESPECTIVE STATE'S CAPITOL.

5 SECTION 4. OATH. THE POWER AND AUTHORITY OF A DELEGATE UNDER THIS
6 ARTICLE MAY ONLY BE EXERCISED AFTER THE CONVENTION IS FIRST CALLED BY
7 CONGRESS IN ACCORDANCE WITH THIS COMPACT AND SUCH APPOINTMENT IS DULY
8 ACCEPTED BY SUCH APPOINTEE PUBLICLY TAKING THE FOLLOWING OATH OR
9 AFFIRMATION: "I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I ACCEPT THIS
10 APPOINTMENT AND WILL ACT STRICTLY IN ACCORDANCE WITH THE TERMS AND
11 CONDITIONS OF THE COMPACT FOR A BALANCED BUDGET, THE CONSTITUTION OF THE
12 STATE I REPRESENT, AND THE CONSTITUTION OF THE UNITED STATES. I
13 UNDERSTAND THAT VIOLATING THIS OATH (OR AFFIRMATION) FORFEITS MY
14 APPOINTMENT AND MAY SUBJECT ME TO OTHER PENALTIES AS PROVIDED BY LAW."

15 SECTION 5. TERM. THE TERM OF A DELEGATE HEREUNDER COMMENCES UPON
16 ACCEPTANCE OF APPOINTMENT AND TERMINATES UPON THE PERMANENT ADJOURNMENT OF
17 THE CONVENTION, UNLESS SHORTENED BY RECALL, REPLACEMENT OR FORFEITURE
18 UNDER THIS ARTICLE. UPON EXPIRATION OF SUCH TERM, ANY PERSON FORMERLY
19 SERVING AS A DELEGATE MUST IMMEDIATELY WITHDRAW FROM AND CEASE
20 PARTICIPATION AT THE CONVENTION, IF ANY IS PROCEEDING.

21 SECTION 6. DELEGATE AUTHORITY. THE POWER AND AUTHORITY OF ANY
22 DELEGATE APPOINTED HEREUNDER IS STRICTLY LIMITED:

23 (a) TO INTRODUCING, DEBATING, VOTING UPON, PROPOSING AND ENFORCING
24 THE CONVENTION RULES SPECIFIED IN THIS COMPACT, AS NEEDED TO ENSURE THOSE
25 RULES GOVERN THE CONVENTION; AND

26 (b) TO INTRODUCING, DEBATING, VOTING UPON, AND REJECTING OR
27 PROPOSING FOR RATIFICATION THE BALANCED BUDGET AMENDMENT.

28 ALL ACTIONS TAKEN BY ANY DELEGATE IN VIOLATION OF THIS SECTION ARE VOID AB
29 INITIO.

30 SECTION 7. DELEGATE AUTHORITY. NO DELEGATE OF ANY MEMBER STATE MAY
31 INTRODUCE, DEBATE, VOTE UPON, REJECT OR PROPOSE FOR RATIFICATION ANY
32 CONSTITUTIONAL AMENDMENT AT THE CONVENTION UNLESS:

33 (a) THE CONVENTION RULES SPECIFIED IN THIS COMPACT GOVERN THE
34 CONVENTION AND THEIR ACTIONS; AND

35 (b) THE CONSTITUTIONAL AMENDMENT IS THE BALANCED BUDGET AMENDMENT.

36 SECTION 8. DELEGATE AUTHORITY. THE POWER AND AUTHORITY OF ANY
37 DELEGATE AT THE CONVENTION DOES NOT INCLUDE ANY POWER OR AUTHORITY
38 ASSOCIATED WITH ANY OTHER PUBLIC OFFICE HELD BY THE DELEGATE. ANY PERSON
39 APPOINTED TO SERVE AS A DELEGATE SHALL TAKE A TEMPORARY LEAVE OF ABSENCE,
40 OR OTHERWISE SHALL BE DEEMED TEMPORARILY DISABLED, FROM ANY OTHER PUBLIC
41 OFFICE HELD BY THE DELEGATE WHILE ATTENDING THE CONVENTION, AND MAY NOT
42 EXERCISE ANY POWER OR AUTHORITY ASSOCIATED WITH ANY OTHER PUBLIC OFFICE
43 HELD BY THE DELEGATE WHILE ATTENDING THE CONVENTION. ALL ACTIONS TAKEN BY
44 ANY DELEGATE IN VIOLATION OF THIS SECTION ARE VOID AB INITIO.

1 SECTION 9. ORDER OF BUSINESS. BEFORE INTRODUCING, DEBATING, VOTING
2 UPON, REJECTING OR PROPOSING FOR RATIFICATION ANY CONSTITUTIONAL AMENDMENT
3 AT THE CONVENTION, EACH DELEGATE OF EVERY MEMBER STATE MUST FIRST ENSURE
4 THE CONVENTION RULES IN THIS COMPACT GOVERN THE CONVENTION AND THEIR
5 ACTIONS. EVERY DELEGATE AND EACH MEMBER STATE MUST IMMEDIATELY VACATE THE
6 CONVENTION AND NOTIFY THE COMPACT ADMINISTRATOR BY THE MOST EFFECTIVE AND
7 EXPEDITIOUS MEANS IF THE CONVENTION RULES IN THIS COMPACT ARE NOT ADOPTED
8 TO GOVERN THE CONVENTION AND THEIR ACTIONS.

9 SECTION 10. FORFEITURE OF APPOINTMENT. IF ANY MEMBER STATE OR
10 DELEGATE VIOLATES ANY PROVISION OF THIS COMPACT, THEN EVERY DELEGATE OF
11 THAT MEMBER STATE IMMEDIATELY FORFEITS HIS OR HER APPOINTMENT, AND SHALL
12 IMMEDIATELY CEASE PARTICIPATION AT THE CONVENTION, VACATE THE CONVENTION,
13 AND RETURN TO HIS OR HER RESPECTIVE STATE'S CAPITOL.

14 SECTION 11. EXPENSES. A DELEGATE APPOINTED HEREUNDER IS ENTITLED
15 TO REIMBURSEMENT OF REASONABLE EXPENSES FOR ATTENDING THE CONVENTION FROM
16 HIS OR HER RESPECTIVE MEMBER STATE. NO DELEGATE MAY ACCEPT ANY OTHER FORM
17 OF REMUNERATION OR COMPENSATION FOR SERVICE UNDER THIS COMPACT.

18 ARTICLE VII

19 CONVENTION RULES

20 SECTION 1. NATURE OF THE CONVENTION. THE CONVENTION SHALL BE
21 ORGANIZED, CONSTRUED AND CONDUCTED AS A BODY EXCLUSIVELY REPRESENTING AND
22 CONSTITUTED BY THE SEVERAL STATES.

23 SECTION 2. AGENDA OF THE CONVENTION. THE AGENDA OF THE CONVENTION
24 SHALL BE ENTIRELY FOCUSED UPON AND EXCLUSIVELY LIMITED TO INTRODUCING,
25 DEBATING, VOTING UPON, AND REJECTING OR PROPOSING FOR RATIFICATION THE
26 BALANCED BUDGET AMENDMENT UNDER THE CONVENTION RULES SPECIFIED IN THIS
27 ARTICLE AND IN ACCORDANCE WITH THE COMPACT. IT SHALL NOT BE IN ORDER FOR
28 THE CONVENTION TO CONSIDER ANY MATTER THAT IS OUTSIDE THE SCOPE OF THIS
29 AGENDA.

30 SECTION 3. DELEGATE IDENTITY AND PROCEDURE. STATES SHALL BE
31 REPRESENTED AT THE CONVENTION THROUGH DULY APPOINTED DELEGATES. THE
32 NUMBER, IDENTITY AND AUTHORITY OF DELEGATES ASSIGNED TO EACH STATE SHALL
33 BE DETERMINED BY THIS COMPACT IN THE CASE OF MEMBER STATES OR, IN THE CASE
34 OF STATES THAT ARE NOT MEMBER STATES, BY THEIR RESPECTIVE STATE
35 LAWS. HOWEVER, TO PREVENT DISRUPTION OF PROCEEDINGS, NO MORE THAN THREE
36 DELEGATES MAY ATTEND AND PARTICIPATE IN THE CONVENTION ON BEHALF OF ANY
37 STATE. A CERTIFIED CHAPTERED CONFORMING COPY OF THIS COMPACT, TOGETHER
38 WITH GOVERNMENT-ISSUED PHOTOGRAPHIC PROOF OF IDENTIFICATION, SHALL SUFFICE
39 AS CREDENTIALS FOR DELEGATES OF MEMBER STATES. ANY COMMISSION FOR
40 DELEGATES OF STATES THAT ARE NOT MEMBER STATES SHALL BE BASED ON THEIR
41 RESPECTIVE STATE LAWS, BUT IT SHALL FURNISH CREDENTIALS THAT ARE AT LEAST
42 AS RELIABLE AS THOSE REQUIRED OF MEMBER STATES.

43 SECTION 4. VOTING. EACH STATE REPRESENTED AT THE CONVENTION SHALL
44 HAVE ONE VOTE, EXERCISED BY THE VOTE OF THAT STATE'S DELEGATE IN THE CASE
45 OF STATES REPRESENTED BY ONE DELEGATE, OR, IN THE CASE OF ANY STATE THAT

1 IS REPRESENTED BY MORE THAN ONE DELEGATE, BY THE MAJORITY VOTE OF THAT
2 STATE'S RESPECTIVE DELEGATES.

3 SECTION 5. QUORUM. A MAJORITY OF THE SEVERAL STATES OF THE UNITED
4 STATES, EACH PRESENT THROUGH ITS RESPECTIVE DELEGATE IN THE CASE OF ANY
5 STATE THAT IS REPRESENTED BY ONE DELEGATE, OR THROUGH A MAJORITY OF ITS
6 RESPECTIVE DELEGATES, IN THE CASE OF ANY STATE THAT IS REPRESENTED BY MORE
7 THAN ONE DELEGATE, SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF ANY
8 BUSINESS ON BEHALF OF THE CONVENTION.

9 SECTION 6. ACTION BY THE CONVENTION. THE CONVENTION SHALL ONLY ACT
10 AS A COMMITTEE OF THE WHOLE, CHAIRED BY THE DELEGATE REPRESENTING THE
11 FIRST STATE TO HAVE BECOME A MEMBER STATE, IF THAT STATE IS REPRESENTED BY
12 ONE DELEGATE, OR OTHERWISE BY THE DELEGATE CHOSEN BY THE MAJORITY VOTE OF
13 THAT STATE'S RESPECTIVE DELEGATES. THE TRANSACTION OF ANY BUSINESS ON
14 BEHALF OF THE CONVENTION, INCLUDING THE DESIGNATION OF A SECRETARY, THE
15 ADOPTION OF PARLIAMENTARY PROCEDURES AND THE REJECTION OR PROPOSAL OF ANY
16 CONSTITUTIONAL AMENDMENT, REQUIRES A QUORUM TO BE PRESENT AND A MAJORITY
17 AFFIRMATIVE VOTE OF THOSE STATES CONSTITUTING THE QUORUM.

18 SECTION 7. EMERGENCY SUSPENSION AND RELOCATION OF THE
19 CONVENTION. IN THE EVENT THAT THE CHAIR OF THE CONVENTION DECLARES AN
20 EMERGENCY DUE TO DISORDER OR AN IMMINENT THREAT TO PUBLIC HEALTH AND
21 SAFETY PRIOR TO THE COMPLETION OF THE BUSINESS ON THE AGENDA, AND A
22 MAJORITY OF THE STATES PRESENT AT THE CONVENTION DO NOT OBJECT TO SUCH
23 DECLARATION, FURTHER CONVENTION PROCEEDINGS SHALL BE TEMPORARILY
24 SUSPENDED, AND THE COMMISSION SHALL SUBSEQUENTLY RELOCATE OR RESCHEDULE
25 THE CONVENTION TO RESUME PROCEEDINGS IN AN ORDERLY FASHION IN ACCORDANCE
26 WITH THE TERMS AND CONDITIONS OF THIS COMPACT WITH PRIOR NOTICE GIVEN TO
27 THE COMPACT NOTICE RECIPIENTS.

28 SECTION 8. PARLIAMENTARY PROCEDURE. IN ADOPTING, APPLYING AND
29 FORMULATING PARLIAMENTARY PROCEDURE, THE CONVENTION SHALL EXCLUSIVELY
30 ADOPT, APPLY OR APPROPRIATELY ADAPT PROVISIONS OF THE MOST RECENT EDITIONS
31 OF ROBERT'S RULES OF ORDER AND THE AMERICAN INSTITUTE OF PARLIAMENTARIANS
32 STANDARD CODE OF PARLIAMENTARY PROCEDURE. IN ADOPTING, APPLYING OR
33 ADAPTING PARLIAMENTARY PROCEDURE, THE CONVENTION SHALL EXCLUSIVELY
34 CONSIDER ANALOGOUS PRECEDENT ARISING WITHIN THE JURISDICTION OF THE UNITED
35 STATES. PARLIAMENTARY PROCEDURES ADOPTED, APPLIED OR ADAPTED PURSUANT TO
36 THIS SECTION SHALL NOT OBSTRUCT, OVERRIDE OR OTHERWISE CONFLICT WITH THIS
37 COMPACT.

38 SECTION 9. TRANSMITTAL. UPON APPROVAL OF THE BALANCED BUDGET
39 AMENDMENT BY THE CONVENTION TO PROPOSE FOR RATIFICATION, THE CHAIR OF THE
40 CONVENTION SHALL IMMEDIATELY TRANSMIT CERTIFIED COPIES OF SUCH APPROVED
41 PROPOSED AMENDMENT TO THE COMPACT ADMINISTRATOR AND ALL COMPACT NOTICE
42 RECIPIENTS, NOTIFYING THEM RESPECTIVELY OF SUCH APPROVAL AND REQUESTING
43 CONGRESS TO REFER THE SAME FOR RATIFICATION BY THE STATES UNDER ARTICLE V
44 OF THE CONSTITUTION OF THE UNITED STATES. HOWEVER, IN NO EVENT SHALL ANY

1 PROPOSED AMENDMENT OTHER THAN THE BALANCED BUDGET AMENDMENT BE TRANSMITTED
2 AS AFORESAID.

3 SECTION 10. TRANSPARENCY. RECORDS OF THE CONVENTION, INCLUDING THE
4 IDENTITIES OF ALL ATTENDEES AND DETAILED MINUTES OF ALL PROCEEDINGS, SHALL
5 BE KEPT BY THE CHAIR OF THE CONVENTION OR SECRETARY DESIGNATED BY THE
6 CONVENTION. ALL PROCEEDINGS AND RECORDS OF THE CONVENTION SHALL BE OPEN
7 TO THE PUBLIC UPON REQUEST SUBJECT TO REASONABLE REGULATIONS ADOPTED BY
8 THE CONVENTION THAT ARE CLOSELY TAILORED TO PREVENTING DISRUPTION OF
9 PROCEEDINGS UNDER THIS ARTICLE.

10 SECTION 11. ADJOURNMENT OF THE CONVENTION. THE CONVENTION SHALL
11 PERMANENTLY ADJOURN UPON THE EARLIER OF TWENTY-FOUR HOURS AFTER COMMENCING
12 PROCEEDINGS UNDER THIS ARTICLE OR THE COMPLETION OF THE BUSINESS ON ITS
13 AGENDA.

14 ARTICLE VIII

15 PROHIBITION ON ULTRA VIRES CONVENTION

16 SECTION 1. MEMBER STATES SHALL NOT PARTICIPATE IN THE CONVENTION
17 UNLESS:

18 (a) CONGRESS FIRST CALLS THE CONVENTION IN ACCORDANCE WITH THIS
19 COMPACT; AND

20 (b) THE CONVENTION RULES OF THIS COMPACT ARE ADOPTED BY THE
21 CONVENTION AS ITS FIRST ORDER OF BUSINESS.

22 SECTION 2. ANY PROPOSAL OR ACTION OF THE CONVENTION IS VOID AB
23 INITIO AND ISSUED BY A BODY THAT IS CONDUCTING ITSELF IN AN UNLAWFUL AND
24 ULTRA VIRES FASHION IF THAT PROPOSAL OR ACTION:

25 (a) VIOLATES OR WAS APPROVED IN VIOLATION OF THE CONVENTION RULES
26 OR THE DELEGATE INSTRUCTIONS AND LIMITATIONS ON DELEGATE AUTHORITY
27 SPECIFIED IN THIS COMPACT;

28 (b) PURPORTS TO PROPOSE OR EFFECTUATE A MODE OF RATIFICATION THAT
29 IS NOT SPECIFIED IN ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES; OR

30 (c) PURPORTS TO PROPOSE OR EFFECTUATE THE FORMATION OF A NEW
31 GOVERNMENT.

32 ALL MEMBER STATES ARE PROHIBITED FROM ADVANCING OR ASSISTING IN THE
33 ADVANCEMENT OF ANY SUCH PROPOSAL OR ACTION.

34 SECTION 3. MEMBER STATES SHALL NOT RATIFY OR OTHERWISE APPROVE ANY
35 PROPOSED AMENDMENT, ALTERATION OR REVISION TO THE CONSTITUTION OF THE
36 UNITED STATES, WHICH ORIGINATES FROM THE CONVENTION, OTHER THAN THE
37 BALANCED BUDGET AMENDMENT.

38 ARTICLE IX

39 RESOLUTION PROSPECTIVELY RATIFYING THE

40 BALANCED BUDGET AMENDMENT

41 SECTION 1. EACH MEMBER STATE, BY AND THROUGH ITS RESPECTIVE
42 LEGISLATURE, HEREBY ADOPTS AND RATIFIES THE BALANCED BUDGET AMENDMENT.

43 SECTION 2. THIS ARTICLE DOES NOT TAKE EFFECT UNTIL CONGRESS
44 EFFECTIVELY REFERS THE BALANCED BUDGET AMENDMENT TO THE STATES FOR

1 RATIFICATION BY THREE-FOURTHS OF THE LEGISLATURES OF THE SEVERAL STATES
2 UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES.

3 ARTICLE X

4 CONSTRUCTION, ENFORCEMENT, VENUE, AND SEVERABILITY

5 SECTION 1. TO THE EXTENT THAT THE EFFECTIVENESS OF THIS COMPACT OR
6 ANY OF ITS ARTICLES OR PROVISIONS REQUIRES THE ALTERATION OF LOCAL
7 LEGISLATIVE RULES, DRAFTING POLICIES, OR PROCEDURE TO BE EFFECTIVE, THE
8 ENACTMENT OF LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND BY
9 THIS COMPACT SHALL BE DEEMED TO WAIVE, REPEAL, SUPERSEDE, OR OTHERWISE
10 AMEND AND CONFORM ALL SUCH RULES, POLICIES OR PROCEDURES TO ALLOW FOR THE
11 EFFECTIVENESS OF THIS COMPACT TO THE FULLEST EXTENT PERMITTED BY THE
12 CONSTITUTION OF ANY AFFECTED MEMBER STATE.

13 SECTION 2. DATE AND LOCATION OF THE CONVENTION. UNLESS OTHERWISE
14 SPECIFIED BY CONGRESS IN ITS CALL, THE CONVENTION SHALL BE HELD IN DALLAS,
15 TEXAS AND COMMENCE PROCEEDINGS AT 9:00 A.M. CENTRAL STANDARD TIME ON THE
16 SIXTH WEDNESDAY AFTER THE LATTER OF THE EFFECTIVE DATE OF ARTICLE V OF
17 THIS COMPACT OR THE ENACTMENT DATE OF THE CONGRESSIONAL RESOLUTION CALLING
18 THE CONVENTION.

19 SECTION 3. IN ADDITION TO ALL OTHER POWERS AND DUTIES CONFERRED BY
20 STATE LAW WHICH ARE CONSISTENT WITH THE TERMS AND CONDITIONS OF THIS
21 COMPACT, THE CHIEF LAW ENFORCEMENT OFFICER OF EACH MEMBER STATE IS
22 EMPOWERED TO DEFEND THE COMPACT FROM ANY LEGAL CHALLENGE, AS WELL AS TO
23 SEEK CIVIL MANDATORY AND PROHIBITORY INJUNCTIVE RELIEF TO ENFORCE THIS
24 COMPACT; AND SHALL TAKE SUCH ACTION WHENEVER THE COMPACT IS CHALLENGED OR
25 VIOLATED.

26 SECTION 4. THE EXCLUSIVE VENUE FOR ALL ACTIONS IN ANY WAY ARISING
27 UNDER THIS COMPACT SHALL BE IN THE UNITED STATES DISTRICT COURT FOR THE
28 NORTHERN DISTRICT OF TEXAS OR THE COURTS OF THE STATE OF TEXAS WITHIN THE
29 JURISDICTIONAL BOUNDARIES OF THE FOREGOING DISTRICT COURT. EACH MEMBER
30 STATE SHALL SUBMIT TO THE JURISDICTION OF SAID COURTS WITH RESPECT TO SUCH
31 ACTIONS. HOWEVER, UPON WRITTEN REQUEST BY THE CHIEF LAW ENFORCEMENT
32 OFFICER OF ANY MEMBER STATE, THE COMMISSION MAY ELECT TO WAIVE THIS
33 PROVISION FOR THE PURPOSE OF ENSURING AN ACTION PROCEEDS IN THE VENUE THAT
34 ALLOWS FOR THE MOST CONVENIENT AND EFFECTIVE ENFORCEMENT OR DEFENSE OF
35 THIS COMPACT. ANY SUCH WAIVER SHALL BE LIMITED TO THE PARTICULAR ACTION
36 TO WHICH IT IS APPLIED AND NOT CONSTRUED OR RELIED UPON AS A GENERAL
37 WAIVER OF THIS PROVISION. THE WAIVER DECISIONS OF THE COMMISSION UNDER
38 THIS PROVISION SHALL BE FINAL AND BINDING ON EACH MEMBER STATE.

39 SECTION 5. THE EFFECTIVE DATE OF THIS COMPACT AND ANY OF ITS
40 ARTICLES IS THE LATTER OF: (a) THE DATE OF ANY EVENT RENDERING THE SAME
41 EFFECTIVE ACCORDING TO ITS RESPECTIVE TERMS AND CONDITIONS; OR (b) THE
42 EARLIEST DATE OTHERWISE PERMITTED BY LAW.

43 SECTION 6. ARTICLE VIII OF THIS COMPACT IS HEREBY DEEMED
44 NON-SEVERABLE PRIOR TO TERMINATION OF THE COMPACT. HOWEVER, IF ANY OTHER
45 PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT, OR THE

1 APPLICABILITY OF ANY OTHER PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS
2 COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE, IS DECLARED IN
3 A FINAL JUDGMENT TO BE CONTRARY TO THE CONSTITUTION OF THE UNITED STATES,
4 CONTRARY TO THE STATE CONSTITUTION OF ANY MEMBER STATE, OR IS OTHERWISE
5 HELD INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH PHRASE, CLAUSE,
6 SENTENCE OR PROVISION SHALL BE SEVERED AND HELD FOR NAUGHT, AND THE
7 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE APPLICABILITY OF THE
8 REMAINDER OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR
9 CIRCUMSTANCE SHALL NOT BE AFFECTED. FURTHERMORE, IF THIS COMPACT IS
10 DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT JURISDICTION TO BE
11 ENTIRELY CONTRARY TO THE STATE CONSTITUTION OF ANY MEMBER STATE OR
12 OTHERWISE ENTIRELY INVALID AS TO ANY MEMBER STATE, SUCH MEMBER STATE SHALL
13 BE DEEMED TO HAVE WITHDRAWN FROM THE COMPACT, AND THE COMPACT SHALL REMAIN
14 IN FULL FORCE AND EFFECT AS TO ANY REMAINING MEMBER STATE. FINALLY, IF
15 THIS COMPACT IS DECLARED IN A FINAL JUDGMENT BY A COURT OF COMPETENT
16 JURISDICTION TO BE WHOLLY OR SUBSTANTIALLY IN VIOLATION OF ARTICLE I,
17 SECTION 10, OF THE CONSTITUTION OF THE UNITED STATES, THEN IT SHALL BE
18 CONSTRUED AND ENFORCED SOLELY AS RECIPROCAL LEGISLATION ENACTED BY THE
19 AFFECTED MEMBER STATES.

20 SECTION 7. TERMINATION. THIS COMPACT SHALL TERMINATE AND BE HELD
21 FOR NAUGHT WHEN THE COMPACT IS FULLY PERFORMED AND THE CONSTITUTION OF THE
22 UNITED STATES IS AMENDED BY THE BALANCED BUDGET AMENDMENT. HOWEVER,
23 NOTWITHSTANDING ANYTHING TO THE CONTRARY SET FORTH IN THIS COMPACT, IN THE
24 EVENT SUCH AMENDMENT DOES NOT OCCUR WITHIN SEVEN (7) YEARS AFTER THE FIRST
25 STATE PASSES LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND TO
26 THIS COMPACT, THE COMPACT SHALL TERMINATE AS FOLLOWS:

27 (a) THE COMMISSION SHALL DISSOLVE AND WIND UP ITS OPERATIONS WITHIN
28 NINETY (90) DAYS THEREAFTER, WITH THE COMPACT ADMINISTRATOR GIVING NOTICE
29 OF SUCH DISSOLUTION AND THE OPERATIVE EFFECT OF THIS SECTION TO THE
30 COMPACT NOTICE RECIPIENTS; AND

31 (b) UPON THE COMPLETED DISSOLUTION OF THE COMMISSION, THIS COMPACT
32 SHALL BE DEEMED TERMINATED, REPEALED, VOID AB INITIO, AND HELD FOR NAUGHT.

33 SECTION 8. PROPOSED TERMINATION DATE AMENDMENT. INDEPENDENTLY FROM
34 THE FOREGOING LEGISLATION ENACTING, ADOPTING AND AGREEING TO BE BOUND TO
35 THE COMPACT FOR A BALANCED BUDGET, THIS STATE HERewith CONDITIONALLY
36 ENACTS, PROPOSES, OFFERS, PROMISES AND AGREES TO PERFORM AND COMPLY
37 STRICTLY WITH THE FOLLOWING AMENDMENT TO SECTION 7 OF ARTICLE X OF THE
38 COMPACT FOR A BALANCED BUDGET, AND OTHERWISE REAFFIRMS ITS COMMITMENT TO
39 ALL OTHER PROVISIONS OF THE COMPACT FOR A BALANCED BUDGET, IF AND WHEN
40 EVERY MEMBER STATE: (A) HAS PASSED LEGISLATION EITHER (1) MANIFESTING SUCH
41 CONSENT TO THE FOLLOWING AMENDMENT OR (2) OTHERWISE ADOPTING THE COMPACT
42 FOR A BALANCED BUDGET AS THEREBY AMENDED; AND (B) HAS GIVEN WRITTEN NOTICE
43 OF THE PASSAGE OF SUCH LEGISLATION, INCLUDING A CERTIFIED COPY OF SUCH
44 LEGISLATION, THROUGH AN AUTHORIZED OFFICIAL TO THE COMPACT ADMINISTRATOR

1 OF THE COMPACT FOR A BALANCED BUDGET, IF ANY, OR OTHERWISE TO THE GOVERNOR
2 OR, IF NONE, THE CHIEF EXECUTIVE OFFICER OF EACH OTHER MEMBER STATE:

3 "SECTION 7. TERMINATION. THIS COMPACT SHALL TERMINATE AND BE HELD
4 FOR NAUGHT WHEN THE COMPACT IS FULLY PERFORMED AND THE CONSTITUTION OF THE
5 UNITED STATES IS AMENDED BY THE BALANCED BUDGET AMENDMENT. HOWEVER,
6 NOTWITHSTANDING ANYTHING TO THE CONTRARY SET FORTH IN THIS COMPACT, IN THE
7 EVENT SUCH AMENDMENT DOES NOT OCCUR ON OR BEFORE APRIL 12, 2031, THE
8 COMPACT SHALL TERMINATE AS FOLLOWS: (A) THE COMMISSION SHALL DISSOLVE AND
9 WIND UP ITS OPERATIONS WITHIN NINETY (90) DAYS THEREAFTER, WITH THE
10 COMPACT ADMINISTRATOR GIVING NOTICE OF SUCH DISSOLUTION AND THE OPERATIVE
11 EFFECT OF THIS SECTION TO THE COMPACT NOTICE RECIPIENTS; AND (B) UPON THE
12 COMPLETED DISSOLUTION OF THE COMMISSION, THIS COMPACT SHALL BE DEEMED
13 TERMINATED, REPEALED, VOID AB INITIO, AND HELD FOR NAUGHT EXCEPT THAT THE
14 OBLIGATION TO COMPLY WITH ARTICLE VIII OF THIS COMPACT SHALL SURVIVE SUCH
15 TERMINATION."

16 Sec. 2. Emergency

17 This act is an emergency measure that is necessary to preserve the
18 public peace, health or safety and is operative immediately as provided by
19 law.

EMERGENCY
NOT ENACTED

APPROVED BY THE GOVERNOR MARCH 30, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2017.

Passed the House February 9, 2017

by the following vote: 33 Ayes,

25 Nays, 2 Not Voting

W/o emergency

[Signature]
Speaker of the House

☐ Pro Tempore

[Signature]
Chief Clerk of the House

Passed the Senate March 27, 2017

by the following vote: 17 Ayes,

12 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

28 day of March, 20 17

at 11:10 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 30th day of

March, 2017

at 11:13 o'clock A. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 30 day of March, 20 17

at 1:31 o'clock P M.

[Signature]
Secretary of State

H.B. 2226